



3/02/06

FINAL PASSAGE

SB 868 (Toy)

Senate Bill 868 would amend the General Property Tax Act to do the following: Delete requirements that a county tax administration fee be used only for specified purposes. Require delinquent tax sales proceeds to be deposited in a local unit's general fund. Allow a local tax collecting unit to establish a delinquent tax revolving fund.

- *Committee S-2 was adopted*
- *SB 868 was moved to 3rd Reading of Bills*
- **SB 868 passed with IE [RC 114: 34 yes, 0 no].**

SB 870 (George)

Senate Bill 870 would amend the Michigan Transportation Fund (MTF) law, to allow the electronic submission of information that county road commissions, cities, and villages must provide to the Michigan Department of Transportation (MDOT).

- *Committee S-1 was adopted*
- *SB 870 was moved to 3rd Reading of Bills*
- **SB 870 passed with IE [RC 115: 34 yes, 0 no].**

SB 872 (Kuipers)

Senate Bill 872 would require each local unit of government to hold a public hearing within 30 days before the date of final adoption of its budget. Under the Act, each local unit must hold a public hearing prior to final adoption of its budget. Currently, units that submit budgets to a county tax allocation board must hold the public hearing after the board has fixed the tax rate allocation.

- *Committee S-1 was adopted*
- *SB 872 was moved to 3rd Reading of Bills*

- **SB 872 passed with IE [RC 116: 34 yes, 0 no].**

SB 875 (Hardiman)

Senate Bill 875 would allow the governing body of a public corporation (a county, city, village, township, port district, drainage district, special assessment district, or metropolitan district of the State, or a board, commission, or another authority or agency created by or under an act of the Legislature, by resolution), to authorize its investment officer to pool or coordinate the funds to be invested with the funds of other public corporations, except in counties where a local government investment pool was operating and accepting deposits.

- *Committee S-1 was adopted*
- *SB 875 was moved to 3rd Reading of Bills*
- **SB 875 passed with IE [RC 117: 34 yes, 0 no].**

SB 908 (Hammerstrom)

Senate Bill 908 would amend the Michigan Notary Public Act to revise the information that must appear on a record that is notarized. The required information must be printed "clearly and legibly". The bill would require that the information be sufficiently clear and legible to be read by the Secretary of State, and in the format shown in the Act (as revised by the bill) or in a similar format that conveyed all of the same information. The bill also would require a notary to sign his or her name exactly as it appears on his or her application for commission as a notary, rather than as it appears on his or her certificate of appointment.

- *Committee S-1 was adopted*
- *SB 908 was moved to 3rd Reading of Bills*
- **SB 908 passed with IE [RC 118: 34 yes, 0 no].**

HB 5315 (Marleau)

HB 5316 (Wenke)

HB 5317 (Huizenga)

HB 5318 (Mortimer)

HB 5319 (Schuitmaker)

HB 5320 (Elsenheimer)

HB 5321 (Emmons)

HB 5323 (Tobocman)

BUSINESS CORPORATION ACT AMENDMENTS

House Bill 5315 would amend the Business Corporation Act to provide that, when one or more foreign corporations merged or entered into a share exchange with one or more domestic corporations, each foreign corporation would have to comply with Section 1021 (amended applications) or 1035 (the filing of information upon dissolution, termination, merger, or consolidation), if it applied. Currently, only a foreign corporation that owns at least 90% of a

domestic subsidiary corporation and is merging with the subsidiary must comply with those sections, if they apply.

- *HB 5315 was moved to 3rd Reading of Bills*
- **HB 5315 passed with IE [RC 106: 34 yes, 0 no].**

House Bill 5316 would amend the Business Corporation Act to allow a corporation to be dissolved by a circuit court judgment upon proof that the shareholders were unable to agree by the requisite vote on material matters respecting management of the corporation's affairs, if the shareholders had entered into an agreement governing the exercise of corporate powers or the management of corporate business.

- *HB 5316 was moved to 3rd Reading of Bills*
- **HB 5316 passed with IE [RC 107: 34 yes, 0 no].**

House Bill 5317 would amend a section that allows for amendments to the articles of incorporation. Some amendments can be made by the board without shareholder action; others require shareholder approval. Under the Act, unless the articles of incorporation provide otherwise, the board of a corporation may adopt particular amendments to the corporation's articles without shareholder action. Other amendments of the articles of incorporation, except as otherwise provided in the Act, must be approved by the shareholders. Under the bill, other amendments of the articles of incorporation, except as otherwise provided in the Act, would have to be proposed by the board and approved by the shareholders. The board could condition its submission of an amendment to the shareholders on any basis.

- *HB 5317 was moved to 3rd Reading of Bills*
- **HB 5317 passed with IE [RC 108: 34 yes, 0 no].**

House Bill 5318 would amend a section dealing with committees of a corporation created by the board to specify that a committee could create one or more subcommittees and delegate all or part of its power or authority to a subcommittee, unless prohibited by a resolution of the board, the articles of incorporation, or the bylaws.

- *HB 5318 was moved to 3rd Reading of Bills*
- **HB 5318 passed with IE [RC 109: 34 yes, 0 no].**

House Bill 5319 would specify that when a shareholder abstains from voting or submits a ballot marked "abstain," that does not count as a vote cast (unless the articles provide otherwise). This affects a section that requires actions to be authorized by "a majority of votes cast."

- *HB 5319 was moved to 3rd Reading of Bills*
- **HB 5319 passed with IE [RC 110: 34 yes, 0 no].**

House Bill 5320 would amend the Business Corporation Act to provide that a shareholder's abstaining from a vote or submission of a ballot marked "abstain" with respect to an action that

required authorization by a vote of a class or series would not be a vote cast on that action, unless otherwise provided in the articles of incorporation.

- *HB 5320 was moved to 3rd Reading of Bills*
- **HB 5320 passed with IE [RC 111: 34 yes, 0 no].**

House Bill 5321 addresses cases where a corporation is required or desires to provide a written notice, report, statement, or communication to shareholders sharing a common address. The bill would allow them to do so if all of the following requirements were met: 1) the corporation addresses the writing to shareholders as a group, individually, or in any other form to which there are no shareholder objections; 2) the corporation gives at least 60 days notice to the shareholders sharing the common address; 3) there are no written objections from any shareholder with the common address. If there is an objection, the corporation would have to begin providing separate copies to those who have objected within 30 days of receiving the objection.

- *HB 5321 was moved to 3rd Reading of Bills*
- **HB 5321 passed with IE [RC 112: 34 yes, 0 no].**

House Bill 5323 would amend the definition in the act of "willfully unfair and oppressive conduct" to specify that such conduct could include the termination of employment or limitations on employment benefits to the extent that the actions interfere with distributions or other shareholder interests disproportionately as to the affected shareholder. Under the act, for example, a shareholder can bring an action in the circuit court of the county in which the principal place of business or registered office of the corporation is located to establish that the acts of the directors or those in control of the corporation are illegal, fraudulent, or willfully unfair and oppressive to the corporation or to the shareholder.

- *HB 5323 was moved to 3rd Reading of Bills*
- **HB 5323 passed with IE [RC 113: 34 yes, 0 no].**

THIRD READING OF BILLS

SB 1035 (Prusi)

Senate Bill 1035 would amend the Michigan Vehicle Code to include a person hauling and transporting wood harvesting equipment in the definition of "wood harvester" for the purposes of vehicle registration taxation. The term "wood harvester" includes the person or persons hauling and transporting raw materials in the form produced at the harvest site. Under the bill, the term also would include the person or persons hauling and transporting wood harvesting equipment. The bill specifies that the term would not include a person or people whose primary activity is tree-trimming or landscaping. Apparently, some drivers transporting wood harvesting equipment in the southern part of the State have been cited for improper use of the wood harvester license plate. To ensure that people hauling such equipment are treated the same throughout the State, it has been suggested that they be included explicitly in the definition of "wood harvester".

- **Committee S-1 was adopted**

- SB 1035 was moved to 3rd Reading of Bills

SB 1047 (Basham)

Senate Bill 1047 would amend the Neighborhood Enterprise Zone (NEZ) Act to allow an application for a NEZ certificate to be filed after a building permit was issued in a specific circumstance. Under the bill, an application could be filed after a building permit was issued for the construction of a facility if all of the following were met: The area in which the facility was located was designated as a NEZ by the governing body of the local governmental unit in August 2003. The building permit for that facility was issued in June 2004. The application for the certificate for that facility was filed with the local governmental unit in October 2004.

- Basham 1 was adopted.
- SB 1047 was moved to 3rd Reading of Bills

HB 5494 (Pavlov)

House Bill 5494 would bring the law concerning bus transportation for school students into conformity with federal laws and rules, as well as with the Michigan Vehicle Code. This bill should be enacted into law in order to better ensure student safety. A three-year review that involved all stakeholders, including parents, members of the Pupil Transportation Advisory Committee, the Department of Education, the Michigan State Police, the Michigan Association of Pupil Transportation, the Michigan School Business Association, the Office of the Secretary of State, and the Michigan Department of Transportation has produced recommended changes to the Pupil Transportation Act that would clarify its language and ensure its compliance with federal laws and rules, as well as with the Michigan Vehicle Code.

- Allan 1a was adopted.
- Committee S-1 was adopted
- HB 5494 was moved to 3rd Reading of Bills

HB 5675 (Baxter)

House Bill 5675 calls for reasonable efforts to ensure the accuracy of school employees' conviction reports when they are issued by the Michigan Department of Education; revises disclosure requirements for conviction reports under the Freedom of Information Act; and defines the term "regularly and continuously work under contract in a school." House Bill 5675 (H-1) would amend the Revised School Code to better ensure the accuracy of school employees' conviction reports issued by the Michigan Department of Education; revise disclosure requirements of conviction reports under the Freedom of Information Act; and define the term "regularly and continuously work under contract in a school."

- Committee S-1 was adopted
- HB 5675 was moved to 3rd Reading of Bills

APPOINTMENTS

Confirmation of Verlie Ruffin as Children's Ombudsman.

- Verlie Ruffin was confirmed as Childs Ombudsman [RC 105: 34 yes, 0 no].